

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MALEEHA AHMAD, et al.,)	
)	
Plaintiffs,)	
)	Case No. 4:17-CV-2455-CDP
v.)	
)	
CITY OF ST. LOUIS,)	
)	
Defendant.)	

**DEFENDANTS’S MOTION TO EXCLUDE
THE TESTIMONY OF JOHN W. MCKERLEY**

COMES NOW Defendant City of St. Louis, and for its Motion to Exclude the Testimony of John W. McKerley, states as follows:

1. Plaintiffs filed suit on behalf of themselves and a proposed class of similarly situated individuals alleging Defendant City of St. Louis (“City”) police did not apply sections of the Revised Code of the City of St. Louis in a constitutional manner during protests in the fall of 2017. *See* Plaintiff’s Second Amended Complaint [doc. 90].
2. Plaintiffs have designated John W. McKerley as an expert in this case. Dr. McKerley was asked to provide his opinions on “the origins and historical context of restrictions on freedom of assembly in Missouri and/or St. Louis....the evolution of laws in Missouri and/or St. Louis regarding assemblies; the use of the origins and historical context of policing in St. Louis with emphasis on interactions with African Americans, protesters, and/or African American protesters. Ex. 1 to Motion, Declaration of John McKerley ¶9.
3. Federal Rule of Evidence (“FRE”) 702 permits a witness who is qualified as an expert by knowledge, skill, experience, training, or education to testify in the form of an opinion if

the witness's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.

4. Dr. McKerley's opinions in this case should be barred as they are irrelevant to the issues involved in this case.
5. FRE 702 therefore bars the admission of Dr. McKerley's opinions because he possesses no skill or other specialized knowledge that will help the trier of fact to understand the evidence or to determine a fact in issue.

WHEREFORE Defendant City of St. Louis respectfully requests this Court issue an order barring Dr. McKerley from testifying at trial and for such other and further relief as this Court deems necessary.

Respectfully submitted,
JULIAN L. BUSH
CITY COUNSELOR

/s/ Robert H. Dierker
Robert H. Dierker 23671MO
Associate City Counselor
dierkerr@stlouis-mo.gov
Brandon Laird 65564MO
Assistant City Counselor
Abby Duncan 67766MO
Assistant City Counselor
Megan Bruyns 69987MO
Assistant City Counselor
Amy Raimondo 71291MO
Assistant City Counselor
1200 Market St.
City Hall, Rm 314
St. Louis, MO 63103
314-622-3361
Fax 314-622-4956